

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ISHMAEL A. WAHID,</b>	)	<b>CASE NO. 5:05CV2013</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>CHRISTINE MONEY, WARDEN</b>	)	
	)	
	)	<b>ORDER</b>
<b>Respondent.</b>	)	

On August 15, 2005, Petitioner, Ishmael A. Wahid, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his state conviction. (Dkt. #1). On September 20, 2005, this case was referred to Magistrate Judge James S. Gallas for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and LR 72.1. (Dkt. #5). The Magistrate Judge, on September 22, 2005, recommended that Petitioner's application for habeas corpus be dismissed without prejudice for both failure to exhaust state remedies and procedural default. (Dkt. #7). Petitioner then filed a "Motion to Withdraw Petition" in order to exhaust the state remedies available. (Dkt. #8).

The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation (Dkt. #7) is well-supported. Therefore, Magistrate Judge Gallas' report and recommendation is hereby **ADOPTED**. Accordingly, Petitioner's Motion to Withdraw his Petition for Writ of Habeas Corpus is **GRANTED** and this action is **DISMISSED**. Furthermore, the court certifies, pursuant to 28

U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

**/s/ Peter C. Economus - October 6, 2005**  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**